

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

June 22, 2004  
6:00 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Braun, Chow, Hirsch, Niemann, Silver,  
Turner

Absent: None

Item #WS1 – Presentation of Non-Profit requests for FY 2004-2005.

No action taken

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Jerry Davis (Public Works), Ron McMan (Police) and Pat White (Parks and Recreation).

Ron Whitehead, City Manager, announced that the Big Daddy Car Show which was held on June 29 was a success with the biggest crowd ever; and on Saturday, June 19, 2004 a record crowd of 600-700 people were on hand for the Lone Star Park Movie night showing of "Grease".

The City Manager also announced the following upcoming events: Ice Tea Festival on June 26, 2004, Presidential Tea on Sunday, June 27, 2004 and Kaboom Town on July 3, 2004.

Item #R2 – Consent Agenda

Item #2b was considered separately.

Item #2a – Approval of the Minutes for the June 8, 2004 and June 14, 2004 Council Meetings. (Approved as written)

Item #2c – Consideration of approval and award of bid and a Resolution authorizing the City Manager to enter into an agreement in the amount of \$54,513.00 with JD Brunson, Inc. for repair of hail damaged roofs and skylights to Addison facilities. Approved (R04-045)

Item #2d – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$117,000.00 with Coban Research and Technologies for the purchase of fourteen (14) In-Car Video Systems for Police vehicles. Approved (R04-046)

Councilmember Silver moved to duly approve the above listed items. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #2b – Consideration of a Resolution authorizing the City Manager to enter into a license agreement with Sprint PCS for the placement of a COW (Cellular On Wheels) tower on city owned property near Addison Road and Broadway Street.

Councilmember Chow moved to duly pass Resolution No. R04-044 authorizing the City Manager to enter into a license agreement with Sprint PCS for the placement of a COW (Cellular On Wheels) tower on city owned property near Addison Road and Broadway Street, subject to approval of the City Attorney. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R3 – Consideration of a Resolution re-appointing Mr. Ray Noah to represent the Town of Addison on DART's Board of Directors.

Councilmember Silver moved to duly pass Resolution No. R04-047 to reappoint Mr. Ray Noah to represent the Town of Addison on DART's Board of Directors. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R4 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, Sports City Café, located at 14905 Midway Road (formerly Baja California Grill), on application from Millennium Restaurant Group, represented by Mr. Tyler Duncan Design Group.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Niemann moved to duly pass Ordinance No. 004-028 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, Sports City Café, located at 14905 Midway Road (formerly Baja California Grill), on application from Millennium Restaurant Group, subject to the following conditions:

1. The applicant shall submit a landscaping plan to the Parks Department, for its approval, which shows the conversion of vacant building pad on the site (immediately south of existing Super 8 Motel) to irrigated landscaping and parking.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R5 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 3870 Belt Line Road (formerly the Bayside Seafood Buffet), on application from Mr. Skip Bailey.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Silver moved to duly pass Ordinance No. 004-029 approving an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 3870 Belt Line Road (formerly the Bayside Seafood Buffet), subject to the following conditions:

1. The plans shall be revised to change the north edge of the deck to a curved edge, with a setback of at least 8'-0" between the curb and the deck, additional landscaping, including additional boulders, shall be added between the deck and the curb.
2. The applicant shall submit specifications and a plan for the outdoor patio speakers to the Council.
3. The applicant shall install signs, both inside the building and in both his parking lot and the Humpertink's lot, identifying which lots belong to which restaurant.
4. A revised landscaping plan shall be submitted by the applicant that indicates how the four live oak trees, proposed to be removed by the applicant, will be mitigated on the site. A Landscape Architect licensed in the state of Texas must provide the plan.
5. Any new mechanical equipment must be screened from all adjacent properties. The screening mechanism shall be architecturally compatible,

and the Building Official shall make the determination of “architecturally compatible”.

6. The restaurant shall not have any exterior signs that include the term “bar”, “tavern”, or any other graphic depictions that denote alcoholic beverages.

Councilmember Turner seconded. The motion carried.

Voting Aye: Braun, Chow, Hirsch, Silver, Turner

Voting Nay: Wheeler, Niemann

Absent: None

Item #R6 – **PUBLIC HEARING** and consideration of an Ordinance approving development plans for a drive-through bank in a Planned Development district (093-018), located at 3790 Belt Line Road, on application from Bank One, represented by Mr. Mark Rouch of Merriman Associates/Architects.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Turner moved to duly pass Ordinance No. 004-030 approving development plans for a drive-through bank in a Planned Development district (093-018), located at 3790 Belt Line Road, on application from Bank One, subject to no conditions. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R7 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for the sale of alcoholic beverages for off-premises consumption only, in order to reduce the size of a liquor store, and approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, in order to develop a convenience store, Buckhorn Liquor Store, located at 14825 Inwood Road, on application from Inwood Brothers, Ltd. represented by Mr. Raymond S. Lambert of RSL & Associates.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Turner moved to duly pass Ordinance No. 004-031 approving an amendment to an existing Special Use Permit for the sale of alcoholic beverages for off-premises consumption only, in order to reduce the size of a liquor store, and approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, in order to develop a convenience store, Buckhorn Liquor Store, located at 14825 Inwood Road, subject to the following conditions:

1. The applicant shall verify that the site has 20% in landscaped area.
2. A detailed landscaping plan needs to be re-submitted showing the quantity of trees and shrubs required in the landscape regulations, versus the quantity of existing and proposed trees and shrubs. This applied to the street frontage, north, south and west side of the property.
3. Inwood Road Street Frontage Landscaping – the existing Burford Holly, shown along Inwood Road needs to be replaced with Indian Hawthorne to match adjacent properties north of this site to create a more consistent look along Inwood Road, and to improve visibility.
4. West Side of Building – the existing Photinia shrubs need replacing with a lower growing shrub that will not overcrowd the existing Crape Myrtle trees.
5. All planting beds need to be renovated with new edging, compost and mulch.
6. A new irrigation plan needs to be submitted showing existing and proposed sprinkler heads, valves and controllers. A freeze and rain sensor need to be added to the irrigation controller.
7. The aforementioned items need to be addressed on the revised landscape and irrigation plans before a building permit is issued.

Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R8 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4939 Belt Line Road, on application from Potbelly Sandwich Works, represented by Mr. Steve Young.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Silver moved to duly pass Ordinance No. 004-032 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4939 Belt Line Road, on application from Potbelly Sandwich Works, subject to the following conditions:

1. The patio shall be narrowed to 9'0" in width, and the remaining 2'0" of property between the patio and the property line shall be planted with an

evergreen shrub hedge which shall run the entire length of the east property line.

Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R9 – Presentation and approval of a schematic design of the Parkview at Addison Circle Park.

Councilmember Niemann moved to duly approve a schematic design of the Parkview at Addison Circle Park. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R10 – Appointment of members to the Addison Visioning Committee.

Councilmember Turner moved to duly appoint the following as members to the Addison Visioning Committee:

Mayor	Frank Klein
Council Member/Appointee (6)	Paul Koch
Richard Chamberlain	Virginia Mulkey
Jae Chung	Mickey Munir
Ann Crews	Dave Oldfield
Steve Folsom	Mark Sommer
Charles Heath	Cathy Ways
Paula Jandura	Brent Wicker
Sharon Kilmartin	Allen Wood

Councilmember Braun seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R11 – Consideration of a Resolution authorizing the City Manager to enter into an agreement in the amount of \$18,000.00 with Pennington Performance Group to facilitate a review of the Town's 2020 Vision project.

Councilmember Turner moved to duly pass Resolution No. R04-048 authorizing the City Manager to enter into an agreement in the amount of \$18,000.00 with Pennington

Performance Group to facilitate a review of the Town's 2020 Vision project. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R12 – Discussion to determine the Council's desire to solicit year round, multi-year sponsorship opportunities in Addison Circle Park.

No action taken.

Item #R13 – Approval of rejection of bid submitted by Gibson & Associates, Inc. for paving repair and storm sewer modifications for the Fuel Truck Roadway at Addison Airport.

Councilmember Turner moved to approve the rejection of bid submitted by Gibson & Associates, Inc. for paving repair and storm sewer modifications for the Fuel Truck Roadway at Addison Airport. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Items #R14 and #R15 were postponed until later in the meeting due to technical problems with the presentation.

Item #R16 – Consideration of a Resolution approving a supplemental contract amendment in the amount of \$99,250.00 with HNTB Corporation, Inc. for engineering services related to materials inspection and testing on the Arapaho Road, Phase II improvements.

Councilmember Niemann moved to duly pass Resolution No. R04-051 approving a supplemental contract amendment in the amount of \$99,250.00 with HNTB Corporation, Inc. for engineering services related to materials inspection and testing on the Arapaho Road, Phase II improvements. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R17 – Consideration of a Resolution authorizing the City Manager to enter into a five-year contract with Frost Bank for depository services.

Councilmember Niemann moved to duly pass Resolution No. R04-052 authorizing the City Manager to enter into a five-year contract with Frost Bank for depository services. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item # R18 – Consideration of a Resolution authorizing the City Manager to enter into a contract with Paymentech for credit card processing services.

Councilmember Silver moved to duly pass Resolution No. R04-053 authorizing the City Manager to enter into a contract with Paymentech for credit card processing services, subject to review and approval of City Attorney. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R14 – Consideration of approval of award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$16,702,578.42 with Archer Western Contractors, Ltd. for construction of Arapaho Road and Bridge, Phase III.

Councilmember Chow moved to duly approve award of bid and duly pass Resolution No. R04-049 authorizing the City Manager to enter into a contract in the amount of \$16,702,578.42 with Archer Western Contractors, Ltd. for construction of Arapaho Road and Bridge, Phase III. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R15 – Consideration of approval and award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$319,700.00 with Mels Electric, L.P. to furnish and install steel street and pedestrian light poles and luminaries on the Spectrum Drive Construction project.

Councilmember Chow moved to duly approve award of bid and pass Resolution No. R04-050 authorizing the City Manager to enter into a contract in the amount of \$319,700.00 with Mels Electric, L.P. to furnish and install steel street and pedestrian light poles and luminaries on the Spectrum Drive Construction project. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

**EXECUTIVE SESSION.** At 11:20 p.m., Mayor Wheeler announced that the Council would convene into Executive Session.



Item #ES1 – Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to seek the advice of its attorney regarding the interpretation of certain Charter provisions, ordinances and other laws.

The Council came out of Executive Session at 12:09 a.m., June 23, 2004.

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary